

Adopted	Rejected
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## COMMITTEE REPORT

YES:	8
NO:	0

### MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 10.
- 3 Page 2, line 13, after "66.9." insert "(a)".
- 4 Page 2, between lines 18 and 19, begin a new paragraph and insert:
- 5 "**(b) This section expires July 1, 2016.**"
- 6 Page 2, delete lines 37 through 42.
- 7 Page 3, delete lines 1 through 10.
- 8 Page 3, line 13, after "128.8." insert "(a)".
- 9 Page 3, line 14, delete ":" and insert "**a convenience light switch**
- 10 **that:**
- 11 **(1) is located in the hood or trunk lid of a motor vehicle; and**
- 12 **(2) contains mercury."**
- 13 Page 3, delete lines 15 through 42, begin a new paragraph and insert:
- 14 "**(b) This section expires July 1, 2016.**"
- 15 SECTION 4. IC 13-11-2-128.9 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 128.9. (a) "Mercury switch recovery rate", for purposes of IC 13-20-17.7, means:**

**(1) the number of mercury switches recovered from end of life vehicles under IC 13-20-17.7 during a calendar year; divided by**

**(2) the total number of mercury switches available for recovery from end of life vehicles during the calendar year.**

**(b) This section expires July 1, 2016.**

SECTION 5. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 17.7. Mercury Switches in End of Life Vehicles**

**Sec. 1. Manufacturers of motor vehicles engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:**

**(1) develop a plan to:**

**(A) remove;**

**(B) collect;**

**(C) recover; and**

**(D) recycle or dispose of;**

**mercury switches from end of life vehicles;**

**(2) submit the plan to the commissioner before January 1, 2007; and**

**(3) implement the plan as required under section 4(b) of this chapter.**

**Sec. 2. A plan described in section 1 of this chapter must include the following:**

**(1) Identification of vehicle recyclers and scrap recyclers in Indiana.**

**(2) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:**

**(A) Educational materials about the program.**

**(B) Information identifying which end of life vehicles contain mercury switches by make, model, and year of manufacture.**

**(C) Instructions on safe and environmentally sound methods to remove mercury switches.**

- 1           **(3) The provision of containers for collecting and storing**
- 2           **mercury switches.**
- 3           **(4) Procedures for the transportation of mercury switches to**
- 4           **recycling, storage, or disposal facilities.**
- 5           **(5) Procedures for the recycling, storage, and disposal of**
- 6           **mercury.**
- 7           **(6) Procedures to track the progress of the program, including**
- 8           **a description of performance measures to be used and**
- 9           **reported to demonstrate that the program is meeting the**
- 10          **recovery rate goals established in subdivision (8) and other**
- 11          **measures of the effectiveness of the program, including the**
- 12          **following:**
- 13               **(A) The number of mercury switches collected from end of**
- 14               **life vehicles.**
- 15               **(B) The amount of mercury collected.**
- 16               **(C) The number of end of life vehicles containing mercury**
- 17               **switches.**
- 18               **(D) The number of end of life vehicles processed for**
- 19               **recycling.**
- 20          **(7) Procedures for implementing the plan.**
- 21          **(8) Mercury switch recovery rate goals of at least:**
- 22               **(A) thirty-three and three-tenths percent (33.3%) in 2007;**
- 23               **(B) seventy percent (70%) in 2008;**
- 24               **(C) eighty percent (80%) in 2009; and**
- 25               **(D) ninety percent (90%) in 2010 and thereafter.**
- 26          **(9) A description of additional or alternative actions that must**
- 27          **be implemented to improve the plan and its operation if the**
- 28          **recovery rate goals established in subdivision (8) are not met.**
- 29          **Sec. 3. Motor vehicle manufacturers that submit plans,**
- 30          **individually or collectively, under this chapter shall pay the**
- 31          **following costs incurred for implementing the plans:**
- 32               **(1) Educational materials.**
- 33               **(2) Training.**
- 34               **(3) Packaging for transporting mercury switches to recycling,**
- 35               **storage, or disposal facilities.**
- 36               **(4) Shipping of mercury switches to recycling, storage, or**
- 37               **disposal facilities.**
- 38               **(5) Recycling, storage, or disposal of mercury switches.**

1           **(6) Public education materials and presentations.**

2           **(7) Maintenance of all appropriate systems and procedures to**  
 3           **protect the environment from mercury contamination.**

4           **Sec. 4. (a) The commissioner shall do the following:**

5           **(1) Not more than thirty (30) days after receiving a plan**  
 6           **developed by a motor vehicle manufacturer or a group of**  
 7           **motor vehicle manufacturers under section 1 of this chapter,**  
 8           **issue a public notice and solicit public comment on the plan.**

9           **(2) Not more than ninety (90) days after receiving a plan,**  
 10           **determine whether the entire plan complies with this chapter**  
 11           **and:**

12           **(A) if the entire plan complies with this chapter, approve**  
 13           **the plan in its entirety;**

14           **(B) if no part of the plan complies with this chapter, reject**  
 15           **the plan in its entirety; or**

16           **(C) if only part of the plan complies with this chapter,**  
 17           **approve that part and reject the rest of the plan.**

18           **(b) If a plan is approved in its entirety under subsection**  
 19           **(a)(2)(A), the motor vehicle manufacturers shall begin**  
 20           **implementing the plan not more than thirty (30) days after the date**  
 21           **the plan is approved. If an entire plan is rejected under subsection**  
 22           **(a)(2)(B), the commissioner shall inform the motor vehicle**  
 23           **manufacturers why the plan was rejected, and the manufacturers**  
 24           **shall submit a new plan not more than thirty (30) days after the**  
 25           **commissioner informs the manufacturers that the entire plan was**  
 26           **rejected. If a plan is approved in part and rejected in part under**  
 27           **subsection (a)(2)(C), the manufacturers shall immediately**  
 28           **implement the approved part of the plan and submit a revision of**  
 29           **the rejected part of the plan not more than thirty (30) days after**  
 30           **the commissioner informs the manufacturers of the commissioner's**  
 31           **partial approval. The commissioner shall review a revised plan not**  
 32           **more than thirty (30) days after receiving the revised plan.**

33           **(c) Not more than two hundred forty (240) days after receiving**  
 34           **a plan developed by motor vehicle manufacturers under section 1**  
 35           **of this chapter, the commissioner shall complete, on behalf of the**  
 36           **manufacturer, any part of the plan that has not yet been approved.**

37           **(d) After a plan has been approved under this section, the**  
 38           **commissioner shall:**

- 1           (1) review the plan three (3) years after the original date of  
2           approval of the plan and every three (3) years thereafter; and  
3           (2) require the motor vehicle manufacturers to modify the  
4           plan as appropriate.

5           Sec. 5. (a) A person that sells, gives, or otherwise conveys  
6           ownership of an end of life vehicle to a scrap recycling facility for  
7           recycling shall remove all mercury switches from the vehicle before  
8           delivering the vehicle to the facility.

9           (b) After a mercury switch is removed from a vehicle, the  
10          mercury switch shall be collected, stored, transported, and  
11          otherwise handled in accordance with the plan approved under  
12          section 4 of this chapter.

13          (c) Notwithstanding subsection (a), a scrap recycling facility may  
14          accept an end of life vehicle containing mercury switches that has  
15          not been intentionally flattened, crushed, or baled if the scrap  
16          recycling facility assumes responsibility for removing the mercury  
17          switches.

18          (d) A vehicle recycler, scrap recycling facility, or any other  
19          person that removes mercury switches in accordance with this  
20          section shall maintain records that document the number of:

- 21               (1) end of life vehicles the person processed for recycling;  
22               (2) end of life vehicles the person processed that contained  
23               mercury switches; and  
24               (3) mercury switches the person collected.

25          (e) A person may not represent that mercury switches have been  
26          removed from a motor vehicle being sold or otherwise conveyed for  
27          recycling if the person has not removed the mercury switches from  
28          the vehicle.

29          (f) A scrap recycling facility or other person that receives an  
30          intentionally flattened, crushed, or baled end of life vehicle may not  
31          be considered to be in violation of this section if a mercury switch  
32          is found in the vehicle after the person acquires the vehicle.

33          Sec. 6. The board may adopt rules under IC 4-22-2 and  
34          IC 13-14-9 to implement this chapter.

35          Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

36          (b) A violation of this chapter or a rule adopted under this  
37          chapter is subject to the penalties set forth in the following:

- 38               (1) IC 13-30-4.

- 1           **(2) IC 13-30-5.**
- 2           **(3) IC 13-30-6.**
- 3           **(4) IC 13-30-8.**
- 4           **Sec. 8. This chapter expires July 1, 2016."**
- 5           Delete pages 4 through 9.
- 6           Renumber all SECTIONS consecutively.  
(Reference is to HB 1110 as introduced.)

**and when so amended that said bill do pass.**

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Representative Wolkins